

**MEMO ENDORSED**

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May 10, 2022

**By ECF**

The Honorable Valerie E. Caproni  
United States District Court  
40 Foley Square, Courtroom 443  
Southern District of New York  
New York, NY 10007

*Re: Rodenburg v. Michael Howard Studios, et al*, .No. 21-cv-07308-VEC  
Joint Letter Concerning Deposition Schedule

Dear Judge Caproni:

We write jointly on behalf of all parties in the above-captioned matter to request an adjournment of the status conference presently scheduled for 10:00 am on Friday, May 27. As a basis of this request, the parties state as follows:

- (1) The parties request this adjournment so Plaintiff may conduct the deposition of Greg Chwerchak, a nonparty and witness for the Defendants. Due to Mr. Chwerchak's (and counsel's) work and travel schedule, May 27 is the only available date prior to the expiration of the discovery period on which the deposition can occur.<sup>1</sup> The parties first learned of Mr. Chwerchak's availability and the conflict with the status conference yesterday.
- (2) The status conference is presently scheduled for 10:00 am on Friday, May 27.
- (3) The parties request an adjournment of one-week until June 3 or at the Court's convenience. The parties have not previously sought an adjournment of this conference. The parties have previously sought three discovery extensions, and do not wish to alter the current deadline for discovery. This adjournment will not affect any other existing deadline.
- (4) The parties jointly make this request.
- (5) The parties respectfully request an adjournment of the status conference until June 3 or another date convenient to the Court.

Thank you for your consideration of these matters.

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<sup>1</sup> The other outstanding deposition, of Defendants' accountant, has been scheduled for May 25, 2022.

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Respectfully,

Counsel for Plaintiffs

Counsel for Defendants

/s/ Scott A. Birnbaum

Scott A. Birnbaum

James E. Kruzer

William J. Grace

/s/ Lainie E. Cohen

Robert A. Giacovas

Lainie E. Cohen

Application GRANTED. The pre-trial conference scheduled for May 27, 2022 is hereby adjourned to **Friday, June 17, 2022 at 11:30 a.m.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. Joint submissions are due by no later than **June 9, 2022.**

SO ORDERED.



Date: 5/11/2022

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE